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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,114	01/07/2004	Paul A. Smethers	3399P033D2	7193

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EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/754,114

Applicant(s)

SMETHERS, PAUL A.

Examiner

Mylinh Tran

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Applicant's attorney has called the examiner to correct a typo-error of claim 17 by changing below:

"means for not maintaining" has been changed to –means for maintaining—

Please amend the claim in a next paper.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner et al. [US. 6,169,911].

As to claims 1, 9 and 17, Wagner et al. teach a computer implemented method and corresponding apparatus of a hand-held wireless communication device which lacks a direct pointing device comprising the steps/means of a processor (column 2, line 60 through column 1, line 18); a display (figure 4, 4); a pointing device capable of specifying directional inputs along only a single axis (figure 4, up/down arrows); the display screen including a body that is scrollable in response to user inputs from the pointing device (figure 4, the body (4) contains a list of email messages), and a static area (the static area contains "message" control) located adjacent to the body, the static area including a control operable in response to user inputs, wherein the static area is non-scrollable so as to remain visible when the body is scrolled (figure 4).

Wagner et al. fail to clearly teach a storage device having a browser stored therein, which when executed by the processor displays a mark-up language based screen on the display and operating a browser in the mobile communication device to access hypermedia content via a wireless network. However, official notice is taken that implementation of a mark-up language was well known in the computer art. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the well known implementation of the mark-up language and the browser to access hypermedia content via a wireless network with Wagner's teachings. Motivation of the combination would have been to enhance the use of the Internet.

As to claims 2 and 10, Wagner et al. also disclose the pointing device comprising a set of up/down directional keys (figure 4, up/down keys).

As to claims 3 and 11, Wagner et al. teach the step of user may move an indicator between the body and the static area by using the pointing device, the indicator for indicating an item shown on the display (figure 4, user make selection from "Messages" to the first email "Sue Smith").

As to claim 4-5 and 12-13, Wagner et al. fail to clearly teach the indicator automatically moving from the static area to the body in response to receiving a user input from the pointing device when a predetermined item in the static area is indicated by the indicator; and the indicator automatically moving from the body to the static area if: the indicator currently indicates a predetermined item in the body in proximity to the static area, and a user input from the pointing device is received specifying movement of the indicator toward the static area, and the body has already been scrolled away from the static area by a maximum amount. However, the official notice is taken that implementation of the step of automatically moving from the static area to the body was

well known in the art. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the well known implementations with Wagner's teaching. Motivation of the combination would have been to limit user's up/down selections.

As to claims 6-8 and 14-16, Wagner et al. fail to clearly teach the static area being located along an edge of the display, being a header of the screen and being a footer of screen. However, official notice is taken that implementation of locating the static area along the edge of the display, the header and the footer was well known in the computer art because these are designing choices. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the well known implementation with Wagner's teachings. Motivation of the combination would have been to be convenient for users.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179

BA HUYNH  
PRIMARY EXAMINER